UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,524	07/16/2003	Takafumi Ueno	P23974	7475

7055 7590 10/15/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191	EXAMINER
	TO, BAOTRAN N

ART UNIT	PAPER NUMBER
2135	

NOTIFICATION DATE	DELIVERY MODE
10/15/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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	Application No.	Applicant(s)
Advisory Action *Before the Filing of an Appeal Brief*	10/619,524	UENO, TAKAFUMI
	Examiner	**Art Unit**	
	Baotran N. To	2135	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>28 September 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE..

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, ~~the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended~~.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *NONE*.

   Claim(s) objected to: *NONE*.

   Claim(s) rejected: *22-42*.

   Claim(s) withdrawn from consideration: *1-21 (Canceled)*.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

DETAILED ACTION

Continuation of 11: The request for reconsideration has been considered but

does NOT place the application in condition for allowance because: Applicant's

arguments filed 09/28/2007 have been fully considered but they are not persuasive.

Applicant argues, "However, KUBOTA does not teach at least a multiplexer that

multiplexes the first encrypted data, program-specific information, the tool list and the

control graph. In particular, as acknowledged in the Final Office Action, KUBOTA does

not teach, inter alia, a control graph. Further, neither a packet identifier (PID) or a PID

table in KUBOTA disclose a tool list as recited in claim 22" (Page 2 of Remarks).

Examiner respectfully disagrees with this applicant. Claim 22 is rejected under 35

U.S.C. 103(a) as being unpatentable over Kubota in view of Valenci and further in view

of Blatter. Kubota discloses: an encryptor (see col. 2, lines 27-29; col. 5, lines 32-36)

that encrypts data and produces first encrypted data (see col. 6, lines 3-10); a program-

specific information generator (see col. 8, lines 17-20) that produces program-specific

information containing a table (see Fig. 11; col. 8, lines 21-29; col. 16, lines 29

34,"program specific information") denoting the correlation between first encrypted data

and a program number of the first encrypted data (see col. 8, lines 21- 29; col. 16, lines

35-50); a tool list generator (see col. 8, lines 40-46) that produces a tool list containing a

tool identification (see Fig. 4, col. 8, lines 47-51, PID Value) indicating a decoding tool

(see Fig. 4; col. 8, lines 61-65, scramble key) for decrypting the first encrypted data (see

Fig. 4; col. 9, lines 6-9). Kubota explicitly doesn't teach: a control graph generator that

produces a control graph indicating the instantiated location of the decoding tool in the

receiving apparatus; and a rights information generator that produces rights information

for the first encrypted data. Valenci teaches: a control graph generator (see pg. 3, ¶

[0028], Base Agent) that produces a control graph (see pg. 1, ¶ [0002] & ¶ [0003]; pg. 3,

¶ [0030], SA Table) indicating the instantiated location of the decoding tool in the

receiving apparatus (see pg. 3, ¶ [0030], "base agent uses the pointer associated with a

packet to access crypto information necessary to perform crypto operations on data

packets"). It would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains to have Kubota

invention include the control graph generator for if the control graph is lost, missing or

unable to be added, the receiving apparatus will be unable to process data packets (see

pg. 3, ¶ [0030]). Blatter teaches: a rights information generator (see col. 11, lines 39-49;

col. 13, lines 9-25) that produces rights information (see Fig. 4; col. 13, lines 9-25) for

the first encrypted data (see col. 11, lines 32-34, "encrypted broadcast program"). It

would have been obvious at the time the invention was made to a person having

ordinary skill in the art to which said subject matter pertains to have Kubota invention

include the rights information generator as Blatter for the purpose of billing the user for

use of an encrypted broadcast program (see Blatter col. 11, lines 25-34). The

combination would include the multiplexing of the rights information. Kubota, Valenci,

and Batter disclose the limitations of Claim 22 above. Furthermore, Kubota, Valenci,

and Batter disclose multiplexer (see Kubota Fig. 1, MUX; col. 2, lines 21-23) that

multiplex the first encrypted data (see Kubota, col. 2, lines 25-29), program-specific

information (see Kubota, col. 8, lines 21-29), tool list (see Kubota, col. 8, lines 47-51),

control graph (see Valenci, (see ¶ [0002]; [0003]; ¶ [0030], SA Table).

Applicant argues, "Further, the remaining cited portion of VALENCI does not

teach a control graph indicating an instantiated location in a receiving apparatus, in that

the cited portions of VALENCI are directed to an operating system rather than a

transmission or receiving apparatus" (Page 3 of Remarks) and "However, the SA table

disclosed by VALENCI merely stores tables of cryptography information, but does not

indicate the instantiated location of the decoding tool in the receiving apparatus (Page 4
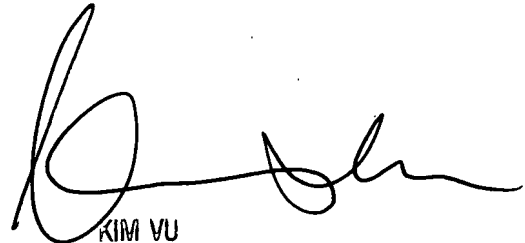
of Remarks).

Examiner respectfully disagrees with this argument. Valenci explicitly discloses,

"data packets contain an index into a table of structures containing cryptography

(crypto) information necessary to indicate to the receiving system how to decrypt the

data. The crypto information can be contained in a data structure called a security

association (SA). Network interface devices in the transmitting and receiving systems

perform crypto operations (e.g., encryption, decryption, authentication) on the data

packets based on the crypto information in the SA. A device driver directs how the

network interface devices will perform crypto operations. The device driver stores in

system memory a table of crypto information necessary for the network interface

devices to perform crypto operations on data packets. The information may also be

stored in tables on the devices. These tables can include, for example, unique

identifiers for the cryptography data structures, cryptography keys, source addresses,

destination addresses, network protocol types, and other information related to crypto operations (Valenci, ¶ [0002]; [0003]).

Applicant further argues, "In any event, it would not be possible to modify KUBOTA to obtain the combinations recited in Applicant's claims without rendering moot the teachings of KUBOTA" (Page 4 of Remarks).

Examiner respectfully disagrees with this contention. The examiner is not trying to interpret the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. The examiner will not interpret to read narrowly the claim language to read exactly from the specification, but will interpret the claim language in the broadest reasonable interpretation in view of the specification. Therefore, the examiner asserts that the system of cited prior arts does teach or suggest the subject matter broadly recited in independent Claims, and in subsequent dependent Claims. Accordingly, rejections for claims 22-42 are respectfully maintained.

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